

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SYLVESTER GILES,

Petitioner,

v.

Case Number 13-10876  
Honorable David M. Lawson

JEFFREY WOODS,

Respondent.

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**ORDER GRANTING MOTION TO RENEW STAY, HOLDING IN  
ABEYANCE PETITION FOR WRIT OF HABEAS CORPUS, AND  
ADMINISTRATIVELY CLOSING CASE**

This matter is before the Court on the petitioner's motion to renew the stay of proceedings that was dissolved when the Court granted the petitioner's recently filed motion to lift the stay. The Court stayed and administratively closed the case on January 23, 2015, to allow the petitioner to exhaust his state court remedies on several additional claims. On March 24, 2017, the petitioner filed a motion to lift the stay and for leave to file an amended petition, which the Court granted. However, the petitioner subsequently filed a motion to renew the stay, in which he asserts that his motion to reinstate the proceedings was premature, because he intends to pursue a direct appeal of the denial by the state trial court of his post-judgment motion for relief from his conviction, and the proceedings on the appeal have not yet concluded (or, perhaps, even been commenced). The Court has reviewed the petitioner's motion to renew the stay and now finds that it should be granted, and the stay of proceedings should be reinstated, to allow the petitioner to complete the process of exhausting his state court remedies on the new claims.

Accordingly, for the reasons stated above and in the Court's January 23, 2015 opinion and order granting the petitioner's motion to stay the proceedings, it is **ORDERED** that the petitioner's

motion to renew the stay of proceedings [dkt. #14] is **GRANTED**, the Court's order granting the petitioner's motion to lift the stay of proceedings [dkt. #13] is **VACATED**, and the stay of proceedings previously imposed in this case is **RENEWED**.

It is further **ORDERED** that the petitioner must file an amended petition in this Court within twenty-eight (28) days after the conclusion of the state court proceedings. If the petitioner files an amended petition, the respondent shall file an answer addressing the allegations in the petition in accordance with Rule 5 of the Rules Governing Section 2254 Cases in the United States District Courts within fifty-six (56) days thereafter. If the petitioner returns to federal court with an amended petition, following exhaustion of his state court remedies, he must use the same caption and case number as appears on this order.

It is further **ORDERED** that to avoid administrative difficulties the Clerk of Court shall **CLOSE** this case for statistical purposes only. Nothing in this order or in the related docket entry shall be considered a dismissal or adjudication of this matter.

It is further **ORDERED** that upon receipt of a motion to reinstate the habeas petition following exhaustion of state remedies, the Court may order the Clerk to reopen this case for statistical purposes.

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Dated: May 23, 2017

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on May 23, 2017.

s/Susan Pinkowski  
SUSAN PINKOWSKI